

REMARKS

Reconsideration of the above-identified application, as amended, is respectfully requested.

In the Official Action dated March 12, 2003, which has been made FINAL, the Examiner rejected Claims 1, 3, 7, 10-14 and 16-20 under 35 U.S.C. §102(b), as being anticipated by Will (U.S. Patent No. 5,477,508) (hereinafter "Will"). The Examiner further rejected Claims 8 and 15 under 35 U.S.C. §103(a), as being unpatentable over Will. The Examiner did further object to Claims 2, 4-6 and 9 as being dependent upon a rejected base claim, but indicated that they would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims.

With respect to the Examiner's rejection of Claims 1-3, 7, 9-14 and 16-20 as being anticipated by Will, applicant respectfully disagree in view of the amendments and remarks herein.

Particularly, Claim 1 of the present invention has been amended for clarification purposes to more accurately and definitively set forth that the first scroll signals received from the scroll device that cause incremental advancement of a time keeping display minute indicator in a first direction, are counted. That is, it is clarified that the fine-grain time increments (i.e., distance) are not counted-only the received first scroll signals which cause the fine-grain time increment movement are counted. In a like manner, independent Claims 16 and Claim 19 of the present invention have been amended to set forth that received scroll events (signals) are being counted and not the fine-grain indicator increments. This amendment is being proposed for entry and consideration in view of the Examiner's arguments in the Final Rejection, and respectfully, could not have been earlier presented.

Respectfully, no new matter is being entered as original support for this limitations are found in the specification at page 9, lines 20-29, for instance, and page 15, lines 9-13, for instance.

In his rejection of Claims 1-3, 7, 9-14 and 16-20, the Examiner alleges that Will teaches a method for dynamically controlling the speed of a scroll device that provides scroll functions for setting the time of a time keeping display having minute and hour indicators wherein the scroll device generates scroll signals and communicates them to a control device for advancing the minute and hour indicators. In the rejection, the Examiner alleges that the Will controller device receives first scroll signals from the scroller and in response, incrementally advances a time keeping display minute indicator in a first direction according to fine-grain time increments, and simultaneously "tracks" the advancing direction. In further support of this rejection, the Examiner cites the curve 52 shown in Figure 8 of Will. Further, as part of the method for dynamically controlling indicator (cursor) speed, the Examiner alleges that Will counts the number of fine-grain increments in a first direction and particularly relies on Figure 8 of Will as providing the basis for this rejection. The Examiner further alleges that in response to continued receipt of first scroll signals, the indicator is continually advanced in coarse-grain time increments in a first direction, the coarse-grain time increments greater than fine-grain time increments resulting in fewer scroll device manipulations in order to achieve a desired time set. In support of this, the Examiner relies on the Will in Figure 8, the right part of curve 52.

Respectfully, at least with respect to amended Claims 1, 16 and 19, Will does not anticipate these claims as amended herein. Will simply does not count the scroll signal or scroll events as a control mechanism for indicator speed increments and thus, does not anticipate the invention. Rather, Will utilizes the speed with which the thumbwheel is turned (rate of movement) to control how fast things (hour/minute hand indicators) change on the

display. This is most clearly evident in Figure 8 of Will which shows the x-axis as the rate of thumbwheel movement as dictating how fast the display indicators change. That is, when physical thumbwheel manipulation is such that the wheel movement exceeds a rate threshold (as described in Figure 8) the incremental changes of display movement on the display screen is correspondingly increased. This is further buttressed by the disclosure in Will, e.g., at Col. 12, line 62 – col. 13, lines 5 supporting Will's Figure 13, step 242 which clearly describes that Will must measure time, particularly, the time elapsed between successive pulses received (corresponding to thumbwheel movement). From the time difference measured, a corresponding distance of thumbwheel movement is calculated which is utilized to determine corresponding fine or coarse grain movement on the screen display (Step 243, Figure 13 of Will). Thus, respectfully, Will needs to know how fast the thumbwheel moves in time measurements, and not the instantaneous "count" of received scroll signals (or scroll events).

Thus, the present invention, as amended in Claims 1, 16 and 19 and as set forth in Claim 10 functions in a novel and unobvious way. Respectfully, the present invention does not measure the speed or rate of movement of the scroll wheel to decide on fine/coarse grain changes on the display. Rather, the present invention implements the consistency of movement in the same direction to decide fine/coarse grain changes. Particularly, to implement dynamic speed control according to the invention, the consistency of movement in a particular direction is measured by counting received scroll signals or events ("clicks") in the manner as set forth in the present invention by an algorithm described on pages 17 and 18. This is a key difference over Will.

In sum, the present invention does not need to know how fast the wheel moves- the rate of thumbwheel movement is not determined. The present invention relies on

display indicator movement only on the basis of scroll signal count (independent of the rate of thumbwheel manipulation) and direction (as set forth in amended Claim 1) or scroll signal events (amended Claims 16 and 19). Respectfully, this limitation has already been present in Claim 10.

As Will does not teach the mechanism for dynamic scrolling according to the algorithm of the present invention as now set forth in amended Claims 1, 16 and 19, it is respectfully requested that the Examiner withdraw the rejections of Claims 1, 10, 16 and 19 as being anticipated by Will. Further, the Examiner is respectfully requested to withdraw the rejection of all claims dependent upon Claims 1, 10, 16 and 19, the patentability of which has been established herein.

In view of the foregoing remarks herein, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance be issued. If the Examiner believes that a telephone conference with the Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned, Applicants' attorney, at the following telephone number: (516) 742-4343.

Respectfully submitted,



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